

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
GEORGIA, MACON DIVISION

Anthony J. Oliver v. Commissioner Tyrone Oliver, Field Director
Stan Shepard, and Deputy Field Director Benjamin Ford

Oliver · No. 5:24-cv-182-CAR · Decided December 5, 2025

SUMMARY

The United States District Court for the Middle District of Georgia addresses several pro se plaintiff motions in an incarcerated plaintiff’s civil rights action under 42 U.S.C. § 1983. The Court extends the discovery and dispositive-motion deadlines but denies motions seeking expanded discovery, sanctions, appointed counsel, joinder and amendment, an inmate interview, sealing, and a preliminary injunction for law-library access.

CASE DETAILS

COURT	United States District Court for the Middle District of Georgia, Macon Division
WRITING FOR THE COURT	C. Ashley Royal
JURISDICTION	United States District Court for the Middle District of Georgia, Macon Division
DECIDED	December 5, 2025
DOCKET	5:24-cv-182-CAR
DISPOSITION	other
PROCEDURAL POSTURE	In a pending prisoner civil-rights action, the pro se plaintiff moved to extend discovery, obtain additional discovery, strike the defendants' answer and enter default judgment, appoint counsel, amend the complaint and add parties, interview incarcerated witnesses, file confidential material under seal, and obtain a preliminary injunction requiring law-library access.
STANDARD OF REVIEW	The Court applied the good-cause and excusable-neglect standards for extending an expired scheduling deadline, the Rule 16(b) good-cause standard for amendments sought after a scheduling deadline, and discretionary standards governing appointment of counsel, discovery limits, sealing, sanctions, and preliminary injunctive relief.

TOPICS

discovery dispute

motion to amend

injunctions

subject matter jurisdiction

prisoners rights

PRACTICE AREAS

civil procedure

civil rights

prisoners rights

constitutional law

remedies

QUESTIONS PRESENTED

1. Whether Plaintiff established good cause and excusable neglect to reopen the expired discovery deadline.
2. Whether Plaintiff should be permitted to serve written discovery exceeding the limits of the Federal and Local Civil Rules.
3. Whether sanctions, default judgment, or striking the defendants' answer was warranted based on the defendants' responses to requests for admission.
4. Whether exceptional circumstances warranted appointment of counsel for the pro se prisoner.
5. Whether Plaintiff established good cause under Rule 16(b) to amend the complaint and add parties after the scheduling deadline.
6. Whether Plaintiff should be permitted to conduct a remote interview of an incarcerated nonparty witness.
7. Whether Plaintiff could prospectively redact and seal documents that had not yet been submitted for in camera review.
8. Whether the Court had jurisdiction to enjoin nonparty prison officials and whether Plaintiff showed an actual injury or irreparable harm from alleged denial of law-library access.

HOLDINGS

1. A party seeking to reopen an expired discovery deadline must show both good cause and excusable neglect; Plaintiff made that showing, so the Court extended discovery to January 6, 2026, and the dispositive-motions deadline to February 6, 2026.
2. Plaintiff was not entitled to serve the requested 167 requests for production, 120 requests for admission, and 200 interrogatories because the requests exceeded the applicable Federal and Local Civil Rule limits; he could conduct discovery only within those limits.
3. A prisoner asserting civil-rights claims has no absolute constitutional right to appointed counsel, and appointment under 28 U.S.C. § 1915(e)(1) requires exceptional circumstances; Plaintiff did not establish exceptional circumstances.
4. When a motion to amend is filed after the deadline in a scheduling order, the movant must first demonstrate good cause under Rule 16(b); Plaintiff failed to do so, so leave to file a second amended complaint and add parties was denied.

5. The Court lacked jurisdiction to enjoin prison officials who were not parties to the action, and Plaintiff also failed to show an actual injury or irreparable harm caused by denial of law-library access; the preliminary-injunction motion was denied.

KEY QUOTATIONS

“A party seeking the extension of an already-expired scheduling order [discovery] deadline must show both good cause and excusable neglect.” (Discussion § I)

“The key is whether the pro se litigant needs help in presenting the essential merits of his or her position to the court.” (Discussion § IV)

“The mere inability of a prisoner to access the law library is not, in itself, an unconstitutional impediment.” (Discussion § VIII)

“An “inmate must show that this inability caused an actual harm, or in other words, unconstitutionally prevented him from exercising that fundamental right of access to courts[.]”” (Discussion § VIII)

FACTUAL BACKGROUND

Plaintiff is an incarcerated litigant pursuing a § 1983 civil-rights action against the named defendants. Discovery had expired, and Plaintiff sought additional written discovery far exceeding the limits in the Federal and Local Rules, appointment of new counsel, leave to amend, permission to interview an inmate at another institution, and permission to seal anticipated discovery materials. He also sought a preliminary injunction requiring access to a law library operated by prison officials who were not parties to the action.

PROCEDURAL HISTORY

The Court previously entered a scheduling order that closed discovery on June 9, 2025, and set a deadline for amendments to the pleadings. Plaintiff later proceeded pro se after the Court granted his request to terminate former counsel's representation. The Court granted an extension of discovery and the dispositive-motions deadline, but denied all other motions addressed in the order.

DISPOSITION

other

CASES CITED

- *Payne v. C.R. Bard, Inc.*, 606 F. App'x 940, 944 (11th Cir. 2015)
- *Kilgo v. Ricks*, 983 F.2d 189, 193 (11th Cir. 1993)
- *Poole v. Lambert*, 819 F.2d 1025, 1028 (11th Cir. 1987)
- *Redd v. Conway*, 160 F. App'x 858, 863 (11th Cir. 2005)
- *Bass v. Perrin*, 170 F.3d 1312, 1320 (11th Cir. 1999)
- *Sosa v. Airprint Sys., Inc.*, 133 F.3d 1417, 1418 (11th Cir. 1998)

- *Sailem v. Emmons*, No. 4:22-CV-0230-WMR-WEJ, 2025 WL 2094045, at *1 (N.D. Ga. Jan. 2, 2025), report and recommendation adopted sub nom. *Sailem v. Ward*, No. 4:22-CV-00230-WMR, 2025 WL 2094043 (N.D. Ga. May 28, 2025)
- *In re Infant Formula Antitrust Litigation*, MDL 878 v. *Abbott Lab'ys.*, 72 F.3d 842, 842–43 (11th Cir. 1995) (per curiam)
- *Akins v. United States*, 204 F.3d 1086, 1090 (11th Cir. 2000)
- *Lewis v. Casey*, 518 U.S. 343, 351, 354 (1996)
- *Oliver v. Ameris Bank*, No. 21-13005, 2023 WL 6159997, at *1 (11th Cir. Sept. 21, 2023)
- *Oliver v. Luner*, 2:18-cv-02562, 2018 U.S. Dist. LEXIS 220345 (C.D. Cal. Sept. 26, 2018)
- *Oliver v. City of Pooler*, No. CV418-100, 2019 WL 1005198 (S.D. Ga. Feb. 28, 2019)

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